



FLORIDA DEPARTMENT OF Environmental Protection

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Secretary

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

January 30, 2019

Patrick Leonard, Management member
CL-RP Hutchinson, LLC
c/o Richard Ladyko
Ladyko Design Group, LLC
4400 Belle Grove Drive
Fort Pierce, FL 34981
Enginpod225@aol.com

Re: Warning Letter No.: WL19-00006ERP56SED
Sunset Beach PUD
Site No.: 264272., Project No.: 382406
St. Lucie County

Dear Mr. Ladyko:

An inspection was conducted at the Sunset Beach PUD construction site, regarding Permit 56-0264272-002-EM, on January 18, 2019. During this inspection, possible violations of chapter 403, Florida Statutes (F.S) were observed.

During the inspection, Department personnel noted the following:

- Unauthorized alteration of mangroves

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to sections 403.121, 403.141 and 403.161, Florida Statutes.

Please contact Robert Mullins, at (561) 681-6634 or via email at Robert.Mullins@floridadep.gov within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Jennifer K. Smith
District Director
Southeast District
Florida Department of Environmental Protection

JKS/JA/MS/rm

Enclosure: Inspection Report

cc: FDEP-SED: Jason Andreotta, Monica Sovacool, Robert Mullins

Florida Department of Environmental Protection

SUBMERGED LANDS AND ENVIRONMENTAL RESOURCE PROGRAM INSPECTION REPORT

DATE: 01/18/2019 TIME: 10:35AM

SITE ID#: 264272

PROJECT ID #: 382406

DEP FILE NO. 56-0264272-002-EM

PROJECT NAME: Sunset Beach

ADDRESS: Parcel ID No.: 2529-233-0002-000-0

DEP REPRESENTATIVES: Robert Mullins and David Petti

OTHER REPRESENATIVES: Richard Ladyko

WORK IN COMPLIANCE: No

LOCATION OF INSPECTION:

The project location includes mangrove wetlands, Class III Waters of the State, and is adjacent to State Road A.1.A on parcel, 2529-233-0002-000-0 in St. Lucie County.

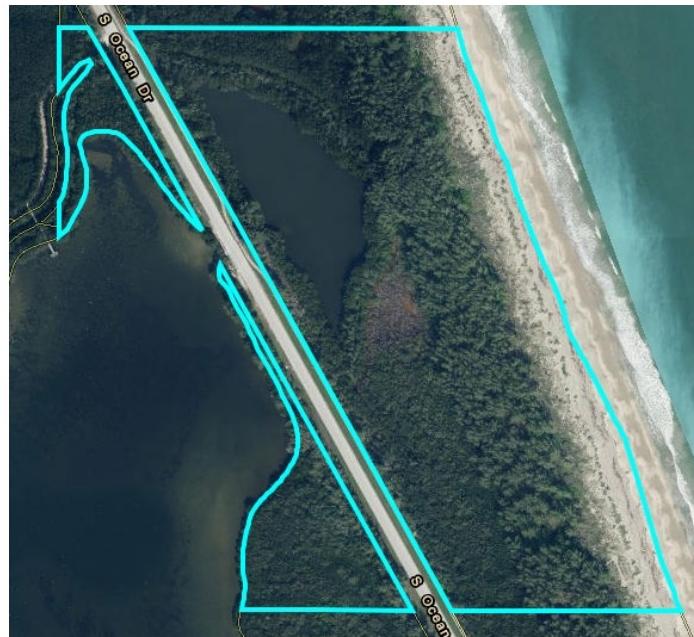


Figure 1: Parcel 2529-233-0002-000-0 in St. Lucie County

EVENTS LEADING TO THE INSPECTION:

On January 17, 2019, the Florida Department of Environmental Protection's Southeast District office (SED) received a complaint related to Permit 56-0264272-002-EM, regarding possible mangrove alterations taking place at a construction site along State Road A1A in St. Lucie County. Upon receiving the complaint, SED staff members Mullins and Petti scheduled a site inspection to be conducted the next day on January 18, 2019.

INVESTIGATION PROCEDURES AND FINDINGS:

On January 18, 2019 staff members Mullins and Petti arrived at the site, parked along A1A, and met with authorized agent Richard Ladyko. Immediately east of A1A, staff observed that a vegetative area approx. 50' x 50', predominantly of mangroves (red, white, and black), had been cleared for the purpose of bridge construction. The mangroves in this area were found to be defoliated and cut approximately one to two feet above the substrate.

The permit allows for only minimum trimming activities necessary to install the bridge piles. Pursuant to Ch. 403.9325, F.S., "Trim" means to cut mangrove branches, twigs, limbs, and foliage, but does not mean to remove, defoliate, or destroy the mangroves. "Alter" means anything other than trimming of mangroves. The mangroves subject to the clearing were not trimmed; therefore, they were altered. Additionally, the corridor of clearing appeared to exceed what was necessary to install the bridge.

VIOLATION DETAILS:

The clearing activities conducted in the mangrove wetland meet the definition of "alter" under the 1996 Mangrove Trimming and Preservation Act (Section 403.9321 - 403.9333, Florida Statutes (F.S.) and would have required a permit modification or other form of authorization.

403.161, F.S. Prohibitions, violation, penalty, intent.

- (1) It shall be a violation of this chapter, and it shall be prohibited for any person:
- (b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority.

ADDITIONAL INSPECTION NECESSARY:

Yes

PHOTOGRAPHS TAKEN:



Picture 1: Photo looking east from S.R A.1.A at altered mangroves.



Picture 2: Photo looking west towards S.R A.1.A at altered mangroves.



Picture 3: Photo looking south from the construction site at altered mangroves and mangroves adjacent to project.



Picture 4: Photo looking north towards the mangroves adjacent to the project area.